

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00600-MOC

ERIC WHITENER,)	
)	
Petitioner,)	
)	ROSEBORO
Vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

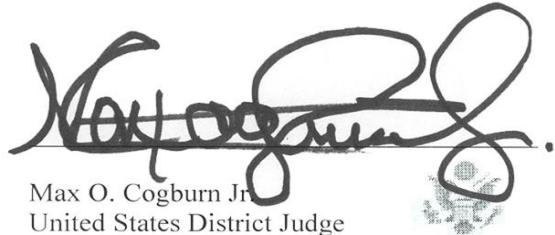
THIS MATTER is before the court on review of petitioner's Reply to the government's Response. While such reply has several attachments, it does not appear that petitioner has attached any supporting evidentiary materials or an affidavit. Inasmuch as respondent has moved to dismiss and supported that motion with evidentiary materials, the court advises petitioner that he too has the right to submit any evidentiary materials he may have that would support his petition.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), petitioner, who is proceeding *pro se*, is advised that he may file any evidentiary material he may have in a form which would otherwise be admissible at trial, i.e., in the form of affidavits or unsworn declarations. An affidavit is a written statement under oath; that is, a statement prepared in writing and sworn before a notary public. An unsworn statement, made and signed under the penalty of perjury, may also be submitted.

ORDER

IT IS, THEREFORE, ORDERED that petitioner is allowed 30 days within which to file any affidavits, declarations, or other evidentiary material in support of his Petition or his Reply.

Signed: October 22, 2015



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". The signature is fluid and cursive, with a prominent "M" at the beginning. A small, faint circular stamp or seal is visible to the right of the signature.

Max O. Cogburn Jr.
United States District Judge